

Appl. No. : 10/506,414  
Filed : August 31, 2004

### REMARKS

Claims 1, 14, and 15 have been amended. Claims 2-13 and 22-27 have been cancelled as being drawn to non-elected inventions and thus to expedite the allowance of the present application. Applicant reserves the right to pursue to subject matter of the cancelled claims in a related application. No new matter has been introduced by these amendments. The following addresses the substance of the Office Action.

#### *Claim Objections*

The Examiner has objected to Claims 1, 9, 12 and 15-21. Specifically, with respect to claims 1, 9 and 12 the mutant NF2 gene is not a phenotypic trait. Claims 15-21 have been objected as being dependent upon rejected base claims 9 and 12, but were indicated to be allowable if rewritten to depend from allowable claim 14. Claims 1 and 15 have been amended accordingly, and claims 9 and 12 have been cancelled without prejudice.

#### *Biological deposit*

The Examiner has objected to the Specification for not including the appropriate statement of the public availability of the deposited material. Applicant respectfully directs the Examiner's attention to the Amendment filed December 11, 2006, wherein such language was introduced into the Specification.

#### *Enablement*

The Examiner has rejected Claims 1-21 under 35 USC §112, first paragraph as being non-enabled. Specifically, the Examiner stated that while being enabling for the cell line of Claim 14, a method of making it and a method of using it for determining an effect of a pharmacological agent, the Specification does not provide enablement for methods of immortalizing a genus of genetically diverse tumorigenic human Schwannoma cell types using replication-competent retrovirus, adenovirus or adeno-associated virus vectors encoding SV40 and adenoviral immortalizing genes, nor methods of determining an effect of a pharmacological agent on the genus of genetically diverse tumorigenic human Schwannoma cell types. Claims 1, 14 and 15 have been amended to recite the deposited human Schwannoma cell line, and Claims 2-13 have been cancelled. Therefore, the rejection of currently amended claims 1 and 14-21 under 35 USC §112, first paragraph should be withdrawn.

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*Non-obviousness*

The Examiner has rejected Claims 1, 2 and 6 under 35 USC §103(a) as being unpatentable over Peden et al. (*Ann. N.Y. Acad. Sci.* 605:286-293, 1990) and Rossenbaum et al. (*Neurobiology of Disease* 5:55-64, 1998). Applicants respectfully disagree. However, to expedite the allowance of the present application, Claim 1 has been amended to recite the cell line of Claim 14, and claims 2 and 6 have been cancelled. Therefore, the currently amended Claim 1 is non-obvious over the cited references.

The Examiner has rejected Claims 3-5, 7, 8 and 10-13 under 35 USC §103(a) as being unpatentable over Peden et al. (*Ann. N.Y. Acad. Sci.* 605:286-293, 1990) and Rosenbaum et al. (*Neurobiology of Disease* 5:55-64, 1998) as applied to Claims 1, 2, 6 and 9 above, and further in view of Roque et al. (*Exp. Eye Res.* 64:519-527, 1997), Schlegal (USP 5,376,542) and Katakura et al. (1998, of record), as evidenced by Li et al. (*Cancer Biotherapy & Radiopharm.* 18:829-840, 2003). Applicant respectfully disagrees. However, to expedite the allowance of the present application, claims 3-5, 7, 8 and 10-13 have been cancelled. Therefore, this rejection is now moot.

The Examiner has rejected Claims 15-21 under 35 USC §103(a) as being unpatentable over Peden et al. (*Ann. N.Y. Acad. Sci.* 605:286-293, 1990), Rosenbaum et al. (*Neurobiology of Disease* 5:55-64, 1998), Roque et al. (*Exp. Eye Res.* 64:519-527, 1997), Schlegal (USP 5,376,542) and Katakura et al. (1998, of record), as evidenced by Li et al. (*Cancer Biotherapy & Radiopharm.* 18:829-840, 2003) as applied to Claims 1-13, and further in view of Einheber et al. (*JBC* 129:443-458, 1995), Bonetti et al. (*J. Neuropathol. Exp. Neurol.* 59:74-84, 2000) and Steele et al. (*Carcinogenesis* 21:63-67, 2000). Applicant respectfully disagrees. However, to expedite the allowance of the present application, claim 15 has been amended to be dependent on the allowable claim 14. Therefore, Claims 15-21 are non-obvious over the combination of the cited references.

For all the above reasons, currently amended Claims 1, and 14-21 are free of prior art, and therefore should be allowable.

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### CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 1, 2008

By: \_\_\_\_\_

  
Marina L. Gordey  
Registration No. 52,950  
Agent of Record  
Customer No. 20,995  
(805) 547-5580

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